The Muslim Khilafa

The following article is a paraphrased transcript of a series of four lectures delivered by Gharm Allah Al-Ghamdy to the Muslim Student Association at the University of Southern California. These lectures were given between November 1991 and January 1992, and took place in the MSA House located at 1144 West 37th Drive, Los Angeles, CA 90007. The subject of Al-Ghamdy's lectures was an examination of the processes involved in choosing and removing the Muslim Khalifa. The last Khalifa of the Muslims was removed in 1924 (though some say the position was strictly a powerless, figurehead office for at least 500 years before that).

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Definition of Khilafa and Khalifa

Khalifa is an Arabic word literally meaning "one who replaces someone else who left or died" (English: caliph). In the context of Islam, however, the word acquires a narrower meaning. The Muslim Khalifa is the successor (in a line of successors) to Prophet Muhammad's position as the political, military, and administrative leader of the Muslims. The prophetic role of Muhammad is strictly not included in this definition, as the Qur'an and Hadith clearly state that Muhammad was the last of the prophets. Khilafa is a related Arabic word which, in the context of Islam, is used to denote the government of the Muslim state, of which the Khalifa is the head. A workable analogy of Khalifa and Khilafa is president and presidency or king and monarchy. The Khilafa is a fard kifaya on the ummah.

The duties and responsibilities of the Khalifa

The Khalifa of the Muslim ummah must strive to:

1. Safeguard Islam in its original form, and to protect against the introduction of new things (bid'a) into Islam.
2. Establish justice (including punishments for crimes) among the people.
3. Ensure the protection of the ummah. People within the boundaries of the Muslim state (regardless of whether they are Muslims or not) should feel secure enough to be productive.
4. Protect the physical boundaries of the state through the use of arms and other methods.
5. Defend the rights of Muslims abroad, and to see to it that Islam can spread freely in non-Muslim lands (including the use of force).
6. Organize jihad against any non-Muslim government which prevents Muslim da'wah from entering its land.
7. Collect and distribute zakat and the spoils of war according to the Qur'an and Sunnah (and ijtihad, if necessary). This must be done without the use of fear as an incentive (unless a person refuses to pay). Zakat is not to be taken from the best or worst of people's possessions, but rather from the middle.
8. Pay the salaries of Bayt-ul-Mal employees, i.e., those people whose job is the collection of zakat and other state-levied taxes. Their salaries should be reasonable and be paid on time.
9. Hire honest people as helpers, aides, governors, etc. The Khalifa must appoint to public office those who are competent and who can give good advice. This especially applies to Bayt-ul-Mal officials.
10. Be heavily involved personally in the acts of governing. The Khalifa must be actively checking and overseeing the duties of the government, and constantly be guarding against internal corruption.

The prerequisites to becoming the Khalifa

Muslim scholars have determined certain criteria which any possible candidate for the Khalifa must meet to be considered legitimate.

1. The Khalifa must be Muslim.
2. He must be a man. This condition is based on the hadith where the Prophet states that a nation would not profit under a woman as its leader.
3. He must be knowledgeable in Islam, and be able to make independent decisions if necessary.
4. He must be just, have good morals, and be trustworthy.
5. He must be physically able (non-handicapped), spiritual, brave, and helpful to protect the ummah against its enemies. His eyes, ears, tongue, and body in general should be in working condition. The point here is to stress an independent, dynamic leader for the sake of the ummah, not to discriminate against the physically handicapped. Today, for example, an artificial limb could be used to offset an otherwise crippling injury.

6. He must be politically, militarily, and administratively experienced.
7. He must be from the tribe of Quraish because they used to be the leading tribe, the majority. The Prophet has said, "The Khalifas are Quraishi." However, many Muslim scholars have commented on this prerequisite. Al-Mawardi has written that the Khalifa should be Quraishi based on the saying of Abu Bakr that the Khalifas are Quraishi and their ministers are non-Quraishi. The majority of scholars are of this opinion. Other scholars have arrived at a different conclusion. Abu Bakr Al-Baqlani has said that the leader of the Muslims simply should be from the majority. Muhammad Riya-Ad-Deen and Abu Hanifa wrote that the leader must come from the majority to make it easy to follow him.

How the Khalifa may be chosen

There are three ways in which the Muslim ummah may choose a new Khalifa. However, in all three cases, the people are obligated to give the new Khalifa their bay'a once the process of choosing him is over. People can send representatives to give their bay'a if the population is large. The three ways of choosing the Khalifa are by selection, by nomination, and by force.

1. By selection. The Khalifa is selected by a group of the best, most Islamically knowledgeable people in the society (not by a general vote of everyone). This group is called the Majlis-Ash-Shura (Arabic for "consultative council"). The members of the Majlis-ash-Shura are chosen from experts who are learned in Islam, and they in turn choose the Khalifa. If the society as a whole rejects their choice, the Majlis-ash-Shura must find out why, perhaps negotiate with the people, and in general try to resolve the problem - however, this situation has never occurred. The Majlis-ash-Shura must have at least three people by the definition of a jama'a (a group of three or more people). The Muslim scholar Al-Mawardi has noted that in the emergency case of no Khalifa and no Majlis-ash-Shura (the situation today), the people should create two parties: one being the Majlis-ash-Shura, and the other being a list of candidates for the Khalifa. The Majlis-ash-Shura then selects a Khalifa from the list of candidates.
2. By nomination. The current Khalifa may nominate his successor, the next Khalifa (as Abu Bakr did with Umar). The people have to accept him just as in the first case. If the old Khalifa appoints someone unworthy out of ulterior motives, the people must reject that appointee.
3. By force. If the current Khalifa forces someone on the people to be the next Khalifa, but that person is righteous, the people must accept him as long as he remains righteous. Similarly, if there is no Khalifa (again, the situation today), it is permitted for someone to forcibly seize power and declare himself the Khalifa if he guarantees to abide by his responsibilities under Islam.

The Majlis-Ash-Shura

There is no fixed size for this group, however, it is generally agreed that it should not be too large. Muslim scholars have established some basic prerequisites which the members of the Majlis-ash-Shura should have to become part of that group. All agree that the members must be adults (in Islam, this means anyone who has entered puberty), and of sound mind. These members are chosen by the various communities in the ummah. Other prerequisites, while generally agreed upon, differ slightly from scholar to scholar.

- Al-Mawardi has written that each member should satisfy three conditions: he must be just, he must have enough knowledge of Islam to differentiate between a potentially good Khalifa and a bad one, and he must have sufficient wisdom and judgment to select the best leader.
- Al-Juwayni has four conditions for the Majlis-ash-Shura: each member must be a man, knowledgeable, above average relatively, and Muslim.
- Abdul-Jabbar is of the opinion that the members must have enough knowledge to select he who can be Khalifa - enough Islamic knowledge in particular, and wisdom and judgment in general.
- Muhammad Rida wrote that the Majlis-ash-Shura should be the best of the ummah, composed of the scholars, leaders, soldiers, businessmen, and respected people of the society. All the members should have deep knowledge of Islam as a basic prerequisite. They must be people whose opinions and decisions are obeyed and respected. The Majlis-ash-Shura should have people from many fields of expertise to ensure a broad base of support and knowledge.
- Faiyadh has written that the Majlis-ash-Shura serves as an intermediary between the people and the Khalifa. The most qualified people to be in the Majlis-ash-Shura are the leaders of the different 'tribes', the Muslim scholars, and those experienced in life (i.e., experts in non-Islamic fields like economics, engineering, medicine, etc.). These are also the ones who represent the ummah and who can speak against the ummah.
- Al-Baghdadi believed that the Khalifa and the Majlis-ash-Shura should be selected from amongst those who can choose wisely.

How the Majlis-ash-Shura selects the Khalifa

There are four conditions which must be met for the Majlis-ash-Shura to legitimately select a new Khalifa.

1. There must currently be no existing Khalifa.
2. A qualified and willing individual must accept his nomination by the Majlis-ash-Shura.
3. The nominee must have been selected freely by the Majlis-ash-Shura - and the members of the Majlis-ash-Shura must give him their bay'a.
4. The bay'a must be given to the nominee by the general populace - though some scholars say this is optional.

Some scholars believe that the bay'a should be given in the presence of two witnesses, whereas other scholars believe this is unnecessary since selecting the Khalifa is a public matter.

When the Majlis-ash-Shura votes for the Khalifa, the members must formally select one of the candidates, and there must be no objection against that candidate which can be supported by evidence. However, Muslim scholars have differed on the number of members in the Majlis-ash-Shura needed to select a Khalifa from the list of candidates.

- Some scholars say that at least a majority of the Majlis-ash-Shura must agree on the new Khalifa.
- Al-Ashari believes the Khalifa could be given to an eligible person even by a single vote if he

comes from the Majlis-ash-Shura and has a good Islamic character. There must also be no valid objection supported by evidence or witnesses.

- Another group of scholar's opinion is that the Khalifa must have two votes for him in the Majlis-ash-Shura who are good Muslims (two because the Majlis-ash-Shura is a jama'a which is at least three people).
- A fourth opinion is that the Khalifa must have four votes (with no countering objection) because witnessing to a charge of adultery in Islam requires four witnesses.
- A fifth opinion holds that at least three votes are necessary to make the decision have the strength of a jama'a behind it.
- A sixth opinion is that at least five votes are needed to make an even stronger decision.
- Finally, a seventh group of scholars believes that it requires 40 members of the Majlis-ash-Shura to vote for the same candidate for him to become the new Khalifa since Friday prayer requires 40 people to be valid (according to some scholars).

Using force to choose the Khalifa

One way the Khalifa may be chosen is through the use of force. Many Muslim scholars say that if a person has already seized power, then to avoid Muslim bloodshed that person should be accepted if he upholds his duties as the Khalifa of the Muslim ummah.

- Ibn Hanbal wrote that if a Khalifa has seized power, it is haram to fight him. However, he must meet his responsibilities under Islam.
- Ash-Shafi'i believed that a person who seizes power and then is accepted by the people is a legitimate Khalifa.
- An-Nawawi believed that if someone forces himself on the ummah, but is qualified, then he should be accepted by the people to avoid Muslim bloodshed and to preserve Muslim unity. An-Nawawi also claimed that if the new Khalifa subsequently does not follow the sunnah of the Prophet precisely, it would be still be questionable to fight against him because of the paramount importance of avoiding Muslim bloodshed and disunity.
- Ibn Khaldun, Al-Asqalani and Al-Juwayni all believed that forceful seizure of power by someone is legitimate as long as he follows Islam as the new Khalifa.
- Ibn Taymiya wrote that after someone has seized power, he is legitimate so long as he follows the Qur'an and Sunnah.

All scholars are in unanimous agreement that using force to displace an already established Khalifa who is meeting his responsibilities is forbidden.

The above scholars rely on the following ahadith to support their opinions.

- From Sahih Muslim: A companion of the Prophet named Hudhayfah asked the Prophet about what the future holds for the Muslims. The Prophet replied that they will be led by devils at some point. The Prophet then added that the Muslims should obey these leaders.

- From Sahih Bukhari and Sahih Muslim: The Prophet noted that there will come leaders whom the Muslims will not like - that is, they will not follow the Sunnah precisely. The Prophet continued and ordered the Muslims to "give your right to them, and ask God for your right," or in other words be patient.
- From Sahih Muslim: The Prophet asked people for their bay'a in which he asked for obedience during weakness and strength, wealth and poverty. This request for obedience from the people applies to the Khalifas as well unless they exhibit signs of kufr.

Disobeying and removing the Khalifa

Many Muslim scholars have commented on when it is permissible to disobey or remove the Khalifa, which is normally forbidden when the Khalifa is meeting all his responsibilities under Islam.

- Al-Mawardi believed that if the Khalifa has followed the Qur'an and Sunnah, the people must follow and support him. On the other hand, if he becomes either unjust or handicapped to the point of ineffectiveness (such as blindness or an amputation), then he must be removed.
- Al-Baghdadi believed that if the Khalifa deviates from justice, the ummah needs to warn him first to return to the straight path. If this fails, then he can be removed.
- Al-Juwayni held that since Islam is the goal of the ummah, any Khalifa who steps away from this goal must be removed.
- Ashighistani wrote that if the Khalifa is found to be ignorant, oppressive, indifferent, or a kafir after his selection, then he must be removed.
- Al-Ghazali believed that an oppressive Khalifa must be told to desist from his crimes. If he does not, then he must be removed.
- Al-Iji believed the ummah has a definite list of permissible reasons to remove the Khalifa.
- Al-Asqalani wrote that if the Khalifa starts to act as an unbeliever, it is prohibited to obey him and obligatory to fight him. It is obligatory to stand against him if one can - and this entails a big reward. Those people who choose to ignore the situation are in sin, whereas those who cannot fight should emigrate (to organize resistance). Al-Asqalani used two ayahs from the Qur'an in particular to support his position. The first is from surat Al-Ahzab 67-68, "...And they would say, 'Our Lord! We obeyed our chiefs and our great ones, and they deceived us as to the right path. Our Lord! Give them a double penalty and curse them with a very great curse'...", and the second is from surat Al-Baqara 167, "...And those who followed would say, 'If only we had one more chance, we would clear ourselves of them, as they have cleared themselves of us.' Thus will Allah show them (the fruits of) their deeds as (nothing but) regrets. Nor will there be a way for them out of the Fire..."
- Muslim reported that Ibn Umar said the Prophet ordered every Muslim to obey their leader unless commanded to do something bad, in which case they must neither obey nor listen. Muslim also reported that Ibn Malik said the best leader is the one where mutual love exists between him and the people, and the worst leader generates mutual hate. However, even in the latter case, fighting the Khalifa is prohibited unless he enters kufr by stopping prayers or zakat for example.
- Ibn As-Samit reported that the Prophet said to obey him in all things and situations, and not to remove the leaders unless they openly practice kufr.

- Abu Daud reports from Ibn Ujrah that the Prophet entered a masjid, and said there will come leaders after him who disobey the Qur'an and Allah. Those who help them are not of the Muslims, but if someone opposes them, he or she is of the Prophet's people.

The Khalifa must be seriously and unrepentantly off the straight path if he is to be accused of kufr. Actions like neglecting prayers, ignoring the fast, and claiming that the Qur'an and Sunnah are outdated are the types of crimes that indicate kufr on the part of the Khalifa. In such circumstances, he must be warned quietly first before taking any physical action against him. However, in cases where the Khalifa is not a kafir, but is simply very belligerent (e.g., seizing the land of others unjustly), the people are obligated to yield their rights (including possessions) to avoid bloodshed. Instead, they should pray to Allah to restore their rights.

Who has the authority to remove a bad Khalifa

In a the event of a bad Khalifa, the Majlis-ash-Shura must be the voice of the ummah which steps forward and orders the Khalifa to step down (although they must warn the Khalifa first of his crimes). If there is no Majlis-ash-Shura, the general populace must create one first by nominating and appointing people to form it. No individuals should rise up alone in protest against the Khalifa. Muslim scholars have elaborated on this subject extensively.

- Al-Juwayni has written that if the Khalifa acts strangely and is leading the Muslims to weakness, the ummah should not allow individuals to step forward and challenge the Khalifa because this leads to anarchy. Rather, any change must go through the Majlis-ash-Shura.
- Al-Mindad believed that an oppressor cannot be the Khalifa, a judge, imam for prayer, or even a simple witness. However, if he is already the leader, then we must go through the Majlis-ash-Shura first to remove him.
- Ash-Shahastani believed that the Khalifa is very important, so in case of disagreement between him and the people, no individual should go about creating turmoil. Instead, the people should go through the Majlis-ash-Shura.
- Al-Ash'ari noted that the first fitnah or dispute after the Prophet's death was the dispute over the Khilafa.
- Ibn Taymiya believed that an oppressive Khalifa should not be fought against immediately, but rather after going through the Majlis-ash-Shura first (and failing).
- An-Nawawi wrote that a sinning, oppressive Khalifa should be removed by the Majlis-ash-Shura. However, if much bloodshed among the Muslims is forthcoming, then the ummah should avoid the fighting and bear him.
- Ghazali believed that a bad Khalifa should be borne to avoid the possible killing of Muslims. However, the Majlis-ash-Shura should warn the Khalifa quietly at first. If the Majlis-ash-Shura is unsuccessful, and fighting is threatened, then the ummah must weigh the possible cost of many deaths against oppression. Sometimes the bloodshed warrants that the oppressive Khalifa should be tolerated.

The removal of the Khalifa

The Majlis-ash-Shura is the body which has the authority to remove the Khalifa if he behaves contrary to Islam. At first, the Majlis-ash-Shura must advise the Khalifa of his deviant behavior, and warn him to stop. If the Khalifa does not change, then he must be told to resign. If he refuses and threatens to use physical force to stay on (e.g., a corrupt army backs him), then the Muslim ummah has three options available to it at that point:

1. Fight him according to some scholars.
2. Be patient, and let him lead, to avoid Muslim bloodshed. This is the strongest opinion: the majority of the ahl-ul-hadith and scholars of the Sunnah advocate this view including Malik, Ash-Shafi'i, and Ahmad.
3. Depending on the circumstance, either fight or be patient according to some scholars.

When should the ummah have to fight? Muslim scholars all agree that fighting is obligatory on the ummah when the Khalifa starts to alter Islamic doctrine and practice. This makes him a clear kafir. Some scholars say that the Khalifa can be fought even when he becomes only a fasiq - e.g., he believes in prayer, but does not do it regularly. The majority of scholars say that this particular offense (neglecting prayer) is kufr anyway - not just fisq.

The Khilafa of Abu Bakr

The method by which Abu Bakr became Khalifa was by selection (ikhtiar) though there is a difference of opinion on whether the selection was carried out by a Majlis-ash-Shura or the general populace. There are certain actions of the Prophet which implied that he wanted Abu Bakr to be the first Khalifa.

1. A woman asked the Prophet who to come back to for help should the Prophet not be there (i.e. if the Prophet had died). The Prophet stated Abu Bakr.
2. The Prophet said, "Follow the best successors after me: Abu Bakr and Umar."
3. When the Prophet became ill, Aisha said that he asked her to call in Abu Bakr to write a letter "so that people will not dispute."
4. The Prophet asked Abu Bakr to lead the prayer in his absence.
5. The Prophet informed us of a dream he had in which he pulled some water out of a well, followed by Abu Bakr, then by Umar.
6. During a khutba, the Prophet said, "If I were to choose a best friend from the people, I would choose Abu Bakr."
7. A man had a dream where the Prophet and Abu Bakr where weighed against each other, and the Prophet was found to be heavier. Then Abu Bakr and Umar were weighed - Abu Bakr being heavier. Then Umar and Uthman were weighed - Umar being heavier.
